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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,100	01/30/2004	James Edward Nave	TI-36273	9012

23494 7590 07/20/2006

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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,100

Applicant(s)

NAVE, JAMES EDWARD

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Note MPEP 606.01.
2. The drawings are objected to because element 24, shown in both Figs. 4 and 5, has no output in the detailed depiction of in Fig. 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. Claims 9-16 are objected to because of the following informalities: Claim 9 recites “*Equation 2*” (in line 9) and claim 13 recites “*Equation 4*” (also in line 9) in brackets. It is not understood why these phrases are included. They tend to direct the reader to the specification,

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which is not necessary since the actual spelled-out equations describe the claimed subject matter in already self-contained language. Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the operating interval being less than the video line rate (recited in claims 6 and 18) is not covered in the specification. Applicant does mention in passing that the rate can be longer or shorter than the exemplary frame rate (section [033] of the specification), but a rate at less than the line rate is significantly lower. Furthermore, claim 20 accounts for the rate to be less than the frame rate.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Reference to "*the amplitude of the video signal*" in lines 4-5 and line 6 of claim 17 has ambiguous antecedence because two distinctly recited "*video signals*" are referred to earlier in the claim. It is not clear which of the two is in view.

Regarding those two signals further, there is no relationship recited between the analog and the digital video signals, nor is it clear if the amplitude maintenance is intended for the *processed* video signal(s) or for the initial analog and/or digital signal(s).

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Dependent claims 18-20 also recite "*the video signal*" and therefore also have ambiguous antecedence.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jennes et al.

In the process of digitizing an input video signal, Jennes controls the level of the video signal by adjusting the gain and offset automatically (e.g. col. 8 lines 49-52; col. 12 lines 61-63), incorporating periodic measuring and feedback (noting Fig. 2). The back porch (blanking) level is monitored at stage 39 (the signal being output from the system excluding the digitizing stage 33) and is measured against a set (targeted) level (col. 11 lines 22-40 and lines 49-52). The back porch (blanking) level is controlled by applying an offset adapted to the level of gain of the video signal, which eliminates any transient offset resulting from gain change (col. 8 lines 55-64; col. 12 lines 3-9 and lines 47-63; Fig. 2), thereby meeting claim 1.

As for claim 2, the process is repeated as Jennes applies periodic iterations which involves plural stages of the process (e.g. col. 12 line 20).

As for claims 3 and 4, both analog and digital stages are involved (Fig. 2; col. 3-63).

Regarding claim 17, Fig. 2 includes both analog and digital stages that process a video signal.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennes et al.

As for claim 5, although Jennes does not expressly disclose *fine* values of his offset, it he does update the offset (i.e. determine new values) periodically, and it would have been obvious to one of ordinary skill in the art to consider the updating as a providing of a refined or more exact value.

As for claims 6-8 and 18-20, Jennes operates at a base clock having a rate of 60 kHz, but points out that that is a selective rate (col. 6 lines 16-18). Furthermore, the level controlling operation is carried out throughout the course of the supplying of the video signal which is defined or characterized by standard frame, line and pixel rates. In view of these two points, it would have been obvious to one of ordinary skill in the art to consider the operation as being done according to pixel, line or frame rates since the video signal so processed assumes these rates.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Claims 9-16 appear allowable over the prior art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2622

VRK